

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION

Consolidated Multidistrict Action
No. 11-MD-2296 (RJS)
No. 12-MC-2296 (RJS)

MARC S. KIRSCHNER, as Litigation Trustee
for the TRIBUNE LITIGATION TRUST,

Individual Action
No. 12-CV-6055 (RJS)

Plaintiff,

-against-

CITIGROUP GLOBAL MARKETS INC. and
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED,

Defendants.

**NOTICE OF DEFENDANTS CITIGROUP GLOBAL MARKETS INC. AND MERRILL
LYNCH, PIERCE, FENNER & SMITH INCORPORATED'S PHASE TWO MOTION
TO DISMISS THE *CITIGROUP* ACTION (PHASE TWO MOTION NO. 10)**

PLEASE TAKE NOTICE that defendants Citigroup Global Markets Inc. and Merrill Lynch, Pierce, Fenner & Smith (together, the "Defendants"), upon the accompanying Memorandum of Law in Support of the Defendants' Phase Two Motion to Dismiss the *Citigroup* Action, dated May 23, 2014 (Phase Two Motion No. 10), the accompanying Declaration of Andrew G. Gordon, dated May 23, 2014, all exhibits attached thereto, and all other papers herein, hereby move this Court pursuant to the Phase Two Motion Protocol for an order dismissing with prejudice in its entirety the First Amended Complaint in *Kirschner v. Citigroup Global Markets Inc.*, No. 12-cv-6055 (D.I. 230) pursuant to Fed. R. Civ. P. 12(b)(1) & (6).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Phase Two Motion Protocol, opposition papers, if any, must be submitted no later than June 23, 2014, and reply papers, if any, must be submitted no later than July 3, 2014.

Dated: May 23, 2014
New York, New York

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By: /s/ Daniel L. Cantor

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